

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Modification of Section 90.20(c) of the)
Commission's Rules to Permit Use of Any)
Certified Public Safety Frequency)
Coordinator for Channels Below 470 MHz)

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

To: Wireless Telecommunications Bureau

PETITION FOR RULEMAKING

The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), pursuant to Section 1.401 of the Commission's rules, hereby petitions the Commission to initiate a proceeding to modify Section 90.20(c) of its rules so as to authorize applicants for Public Safety Pool channels below 470 MHz to use any of the certified public safety frequency coordinators (other than the Special Emergency Coordinator).¹

Founded in 1935, APCO is the nation's oldest and largest public safety communications organization and frequency coordinator. APCO is a non-profit professional association with over 15,000 members who are involved in the management and operation of communications systems for all types of state and local government public safety agencies, including police, fire, emergency medical, highway maintenance, and forestry conservation. APCO is the only coordinator that represents all of these elements of public safety communications. APCO is the certified frequency coordinator for all 800 MHz Public Safety Pool channels and for the former

¹ Also before the Commission are requests from the American Association of State Highway and Transportation Officials (DA 01-151) and the International Association of Fire Chiefs/International Municipal Signal Association (DA 01-152) requesting certification to coordinate Public Safety Pool channels in the 800 MHz band. APCO respectfully suggests that the Commission consolidate those requests with this Petition.

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“Police Radio Service” channels (designated in Section 90.20(c) as “PP”). Along with the other three certified public safety frequency coordinators, APCO also coordinates the former “Local Government Radio Service” channels (designated in 90.20(c) as “PX”), the 470-512 MHz band, and the new 700 MHz band.

Prior to 1997, there were separate radio services for police, fire, emergency medical, highway maintenance, forestry conservation, and local government, each with separate eligibility requirements (other than local government, for which any public safety agency was eligible). In addition, each of the public safety radio services had a separate and exclusive frequency coordinator.² In 1997, the Commission combined the previously separate public safety radio services into a new Public Safety Pool.³ From that point on, any public safety agency could obtain a license in any of the Public Safety Pool channels.⁴

While the Commission combined the public safety services in 1997, it chose to continue to restrict applicants’ in their choice of a public safety frequency coordinator. The Commission required that channels previously part of the police, fire, emergency medical, highway maintenance and forestry conservation radio services continue to be subject to the exclusive coordination of the single certified frequency coordinator for each of those prior radio services.⁵ For example, a police department may apply for a channel that had previously been part of the

² The Fire Radio Service and Emergency Medical Radio Service was coordinated by the International Association of Fire Chiefs/International Municipal Signal Association (“IAFC/IMSA”), the Forestry Conservation Radio Service was coordinated by the Forestry Conservation Communications Association (“FCCA”), the Highway Maintenance Service was coordinated by the American Association of State Highway and Transportation Officials (“AASHTO”), and the Police Radio Service and Local Government Radio Service were coordinated by APCO.

³ *Second Report and Order in PR Docket 92-235*, 12 FCC Rcd 14307 (1997). The Commission also included the Special Emergency Radio Service in the Public Safety Pool, which had been coordinated by the Personal Communications Industry Association (“PCIA”).

⁴ Previously, this could only be accomplished through an “interservice sharing” rule.

⁵ See 47 C.F.R. §90.20.

Fire Radio Service, but it is required to coordinate the channel through IAFC/IMSA. Only the channels previously part of the Local Government Radio service (the “PX” channels) are open to competitive frequency coordination.⁶

APCO believes that it is no longer necessary to restrict applicants to a specific public safety frequency coordinator when seeking channels below 470 MHz. The Commission’s apparent rationale for retaining exclusive coordination responsibility was that coordinators from the previous radio services were best able to protect existing operations in particular services.⁷ For example, under this theory the fire coordinator could attempt to ensure that fire departments operate in an interference free environment. However, there are no longer substantial differences between coordinating channels for the various public safety services that cannot be addressed by a qualified and broadly representative public safety frequency coordinator. For its part, APCO is well aware of the specific needs of different public safety licensees, and has years of experience coordinating channels for virtually every type of public safety agency.

Furthermore, because of inter-service sharing over the years, and especially the open eligibility that has existed since 1997, many if not most public safety channels below 470 MHz now include a broad mix of licensees and users, similar to the PX channels. This is especially true for highway maintenance (PH) channels and (at least in some urban areas) forestry conservation (PO) channels. For example, existing users of a PH channel subject to the

⁶ The Special Emergency Coordinator (PCIA) was not given authority to coordinate the PX channels. Similarly, APCO’s proposal for competitive coordination would authorize only APCO, IAFC/IMSA, AASHTO, and FCCA to coordinate the Public Safety Pool channels currently designated in Section 90.20 as PP, PF, PH, PO, PM, and PX. PCIA is not representative of state and local government public safety users, and should not be allowed to coordinate Public Safety Pool channels other than those designated as PS. Public safety spectrum can only be coordinated by non-profit representative organizations which have as their principal goal the protection of life, health, and property.

⁷ Presumably, the Commission did not intend to allow specific service coordinators to “warehouse” or otherwise reserve channels for particular categories of public safety users. Such a result would run counter to the purpose of the Public Safety Pool.

exclusive coordination of AASHTO are likely to include not just highway maintenance agencies, but also police and fire departments, EMS providers, forestry conservation agencies, and others. In those instances, AASHTO is no more representative of the users of the PH channel than are the other public safety coordinators.⁸

The Commission stated in 1997 that it that it could “revisit the issue” of the jurisdiction of individual coordinators “in the future if a more integrated coordination system could be designed that would not impair public safety interests.”⁹ That has now occurred, insofar as all of the public safety coordinators have had several years of experience coordinating the PX channels in a competitive environment. During that time, the coordinators have developed notification and other necessary procedures to ensure the integrity of the coordination process and necessary databases. Through the Public Safety Communications Council, the coordinators are also cooperating to bring technological improvements (such as internet file transfers) to the notification process. Similarly, the public safety coordinators are working together to develop database-related procedures for the new 700 MHz band, which is also subject to competitive coordination. In short, there are no longer significant impediments to opening the coordination process for channels below 470 MHz to all certified public safety coordinators.

Eliminating the arbitrary restrictions on Public Safety Pool coordination will benefit public safety agencies by providing real choices in their coordinator selection, and will thus

⁸ Indeed, even if all of the licensees of a particular PH channel are highway maintenance agencies, APCO is likely to be more representative than AASHTO of those licensees. AASHTO’s voting membership is limited to state highway transportation officials. However, a very substantial percentage of PH channel licensees are actually local government highway agencies, whose officials may be voting members of APCO, but not of AASHTO.

⁹ *Second Report and Order in PR Docket 92-235*, at ¶39.

lower their coordination expenses.¹⁰ Currently, applicants must go to whichever coordinator is designated for the specific channels that they may be seeking. In some cases, that requires an applicant requesting more than one channel to seek approval from multiple coordinators for a single application. APCO often finds itself processing such applications in the first instance, and then having to spend considerable time and resources to obtain coordination from the other coordinators on behalf of the applicant. That process creates delays in application processing, and multiplies the number of coordination fees that must be paid by the applicant.

A similar situation often occurs even when the applicant filing with APCO is seeking just one channel. In many cases applicants' needs can be best addressed (if at all) by channels that APCO is unable to coordinate directly (*i.e.*, a PH, PO, PF, or PM channel). While such applicants are informed of their right to file directly with the relevant coordinator for the desired channel, most prefer that APCO process their application and seek approval from the other coordinator (procedures adopted by all four coordinators permit such an arrangement). However, it would be less time consuming, and less costly to applicants, if the public safety coordinator receiving an application in the first instance could coordinate directly any of the Public Safety Pool Channels. A simple notification process, similar to that which exists today for the PX channels, would ensure that each of the coordinators has an accurate and up-to-date data base.

APCO supports the Commission's desire to promote competition in communications related services. This includes coordination of public safety frequency bands, provided,


¹⁰ In seeking comments on the IAFC/IMSA and AASHTO requests for 800 MHz certification, the Commission recently reiterated that "encouraging competition among coordinators 'will promote cost-based pricing of coordination services and provide incentives for enhancing service quality.'" *Public Notice*, DA 01-151, at 2 (released January 22, 2001) (*quoting First Report and Order and Third Notice of Proposed Rulemaking in WT Docket 96-86*, 14 FCC Rcd 152, 200 (1998)).

however, that each coordinator (i) is fully representative of public safety users; (ii) has the requisite resources, experience, and expertise to provide efficient and effective frequency coordination for the relevant bands; (iii) will work closely with and participate in regional planning committees where relevant; and (iv) will cooperate with other coordinators and the Commission to ensure the integrity of the coordination process. APCO is convinced that this test has been met for Public Safety Pool channels below 470 MHz, and that the Commission should proceed to eliminate the current barriers to competition among the certified public safety coordinators.

Respectfully submitted,

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